

Kennedy-Hoover Hassle Congressional Problem

Wiretaps, Bugs Widespread

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The argument between FBI director J. Edgar Hoover and Sen. Robert F. Kennedy (D., N.Y.), the former U. S. Attorney General, over who permitted electronic eavesdropping, raises again for Congress a big problem:

How to maintain citizens' rights to privacy and yet allow the law to gather information it must have to prosecute crime, especially organized crime, offenses such as kidnaping, and cases involving the nation's security.

A Federal law makes it illegal to wiretap and divulge information gained as a result.

But wires are tapped. The practice evidently is widespread, even tho the courts usually throw out cases built on wiretap evidence.

Even more widespread is electronic eavesdropping, or bugging, done with sensitive devices, cheap and generally available to the merely curious, as well as public law officers, private detectives and police. These devices "hear" thru walls or pick up at least half of a phone conversation.

Challenge

Not many challenge the right of Federal law offices to tap wires or use bugging devices to protect our national security against sabotage and treason.

At least since 1940, the government has accommodated itself to the Federal law against wiretaps thru administrative interpretations by attorneys general.

They have permitted taps in

national security cases. Indeed, the President, in an order of June, 1965, excepted wiretap cases involving national security when he issued orders to all agencies barring spying on telephone conversations. But he permitted wiretaps in national security cases only with the approval of the Attorney General.

Reviewing Cases

But spying, thru wiretapping and bugging, evidently has become far more widespread, and now the Justice Department is reviewing past and present cases in which "monitoring" techniques were used. Apparently it intends to throw out all cases based on wiretaps or seek to prove the cases in court thru other means.

Both Mr. Hoover and Sen. Kennedy have been invited to appear before a sub-committee headed by Sen. Edward V. Long (D., Mo.), who has sharply criticized electronic eavesdropping and become the Senate's chief investigator of the practice.

Over the last few years Sen. Long has revealed the spying techniques of the Internal Revenue Service, in particular, and spread out on a Senate table some of the electronic bugging devices widely used by public and private lawmen. He pointed out that even the olive in a martini, if given the proper



SEN. EDWARD LONG

electronic treatment, could whisper secrets to those equipped with compatible listening devices.

But thruout his inquiry, Sen. Long has not quizzed the FBI.

"We have been extremely reluctant to call officials from the FBI and the Justice Department because we did not want to do any possible harm to national security or the drive against organized crime," Sen. Long said.

"But now the ice has been broken, and some of the principal participants have opened up these matters, we feel that an on the record airing

is necessary. The public certainly has the right to know all the facts."

No one yet knows, of course, whether Mr. Hoover or Sen. Kennedy will accept Sen. Long's invitation to testify in public sometime early next year. But if either one agrees to testify, the other may feel compelled to.

CIA

Meanwhile, Sen. Long's investigators are doing nothing about investigating wiretapping and bugging by the Central Intelligence Agency, or the intelligence offices of the military services. His sub-committee believes this is in the nation's best interest.

It has been unable, thus far, to get what it calls full co-operation from the Narcotics Bureau, the Internal Revenue Service, and the Customs Bureau.

The committee's lawyers concede they don't yet know exactly how to write a tight law that would stop wiretapping and bugging, except in bona fide cases — especially those involving national security. And they're not sure it would be wise to include cases involving heinous crimes, such as kidnaping, under such a law.

Some think a Constitutional amendment may be needed to control the use of electronic devices for spying.